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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/627,909

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Robert S. Fielmann

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03/17/2006

RYNDAK & SURI LLP  
200 W MADISON STREET  
SUITE 2100  
CHICAGO, IL 60602

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/627,909

Applicant(s)

FIELMANN, ROBERT S.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/19/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office action is in response to Applicant's amendment filed December 19, 2005. No claims have been amended.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-12 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Beggs et al. (US Patent Application 2005/0044792).

#### **Claim 1:**

Beggs discloses that there is a wide variety of available devices for detecting the presence of a person near a door and for providing a warning of the presence at a door when the person is in close proximity to the door, comprising:

- a. a detector device having a detection range for being positioned in at least close proximity to a door in a position to detect the person in close proximity to the door and within the detection range of the detector device; and
- b. an audio alarm device, an alarm, for providing an audible warning to the person in proximity to the door, the audible alarm device associated with the detector device so that

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the audible alarm device provides the audible warning in response to the detection of the person by the detector device.

See para. [0004].

The reference fails to disclose the detection range of the detector device is less than 5ft and whether the door is substantially transparent. However, a detection range of less than 5ft is conventional in the art since the system is designed to detect a person within close proximity to the door and provide an alarm warning so that collision between the door and the detected person would be prevented. Therefore, one skilled in the art would have readily recognized to use a detection range of 5ft as desired.

Claim 2:

Beggs suggests the use of different detection devices including motion detectors.

Claim 3:

The detector disclosed in Beggs comprises a body heat sensitive detector, i.e. infrared detectors.

Claim 4:

It is not clear that the device in Beggs has a voice module to record voice messages. Nonetheless, the use of voice warning alarm is well known in the art. Thus, one skilled in the art would have readily recognized the desirability of using voice alarm in the Beggs system because it would be equivalent as other types of alarm, e.g. a buzzer.

Claim 5:

Beggs fails to disclose a range-adjusting feature. However, it would have been to one skilled in the art to add this feature in the Thacker device because it is conventional in the art and would provide versatility of the device.

Claims 6 and 8-10:

Beggs fails to discuss in details the configuration of the detector device and the audible alarm device in conventional system as to whether or not they are not contained within the same housing or pouch. Nonetheless, the integration of parts in the same housing would not be considered an inventive step because the function of the device would not thereby be modified. It would have been obvious to one skilled in the art to use an attractive shape for the device because aesthetic is always preferred.

Claim 11:

Though not clearly discussed in Beggs about the battery, it would have been obvious to one skilled in the art to use a battery to supply power or to supply backup power to the detector device because it is conventional in the art.

Claim 12:

Beggs fails to disclose specifically that the volume of the audible alarm in conventional system can be adjusted. However, one skilled in the art would have readily recognized providing this feature in the system disclosed in Beggs for convenience.

4. Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beggs et al. (US Patent Application 2005/0044792) in view of Thacker (US Patent No. 6,359,564).

Claim 13:

Beggs does not discuss the details of the alarm in the disclosed conventional system, thus, fails to suggest how the alarm is generated. However, the similar alarm device taught in Thacker ceases after a predetermined period of time in response to detected motion by the motion detector 106 and resets itself when motion is no longer detected by the motion detector device. Therefore, it would have been obvious one skilled in the art to generate the alarm the same way as in Thacker because it would be desirable to cease alarming when there is no motion is detected near the door after a period of time to save energy.

Claim 14-18:

The rejection of these claims recites the discussion in the rejection of claims 1-12, except they are method claims.

Claim 19:

In Thacker, when no motion is detected and a person is absent in the workspace, the alarm is shut off and automatically resets itself to provide warning when motion is again detected. Col. 4, lines 42-53.

***Remarks***

5. Applicant's arguments filed December 19, 2005 have been considered but are not considered persuasive.

The Affidavit filed on December 19, 05 under 37 CFR 1.131 has been considered but is ineffective to overcome the Beggs reference.

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- a. The Affidavit or Declaration was not made by the inventors or assignee, see MPEP715.04.
- b. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Beggs reference to either a constructive reduction to practice or an actual reduction to practice.

For reason stated above, the rejection is maintained.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a stylized, cursive script.

Julie Lieu  
Primary Examiner  
Art Unit 2612

Mar 07, 06